Mixed Commission Handbook for Italy

May 1997

Executive Summary

Background

DoD installations and facilities in Italy are governed by the Status of Forces Agreement (SOFA) and the 1954 Bilateral Infrastructure Agreement (BIA). The majority of land utilized by the US Military in Italy is ceded for use by the Italian military. Projects for the maintenance, repair, upgrading, and construction of new facilities on land provided by Italy is funded with U.S. funds and is required to be approved by an Italian/U. S. Mixed Commission according to the 1954 BIA. Projects on property that is leased do not go through the mixed commission approval process. Specific procedures for the Mixed Commission process are contained in a 1979 Italian Defense General Staff Directive (1979 Direttiva), which is the most recent implementing document for the 1954 BIA. This handbook is intended to clarify the procedures in the Direttiva and provide details concerning the submission and approval requirements.

Purpose

The Bilateral Infrastructure Agreement (BIA) of October 20, 1954 establishes the Mixed Commission to:

".... regulate the utilization, function, consignment and construction with US funds of infrastructure of interest to the US Armed Forces stationed in Italy..."

The Mixed Commission process is to ensure that all U.S. funded construction is carried out in accordance with the approved mission and base master plan, that it is technically acceptable and in accordance with all the applicable Italian laws. The process serves to meet the requirements of notification of the local authorities. Additionally, since the BIA establishes that infrastructure constructed with US funds will eventually be consigned to the Italian Government, the construction of infrastructure is considered as "executed on behalf of the Italian Government." Therefore, the Italian Defense Military Engineers (Direzione generale del demanio e dei materiali del genio, abbreviated as the GENIODIFE) are responsible under the law for all US Forces construction in Italy, and must ascertain that US Forces are in compliance with Italian national building and environmental laws. GENIODIFE oversight is accomplished through the procedures of the Mixed Commission process. The resulting documentation from the process will be required in order for the Italian Government to legally accept the facilities back on the public roles, should the U.S. ever turn the facilities over.

Procedures

The BIA establishes the Mixed Commission as the agency responsible for approving construction of US-funded infrastructure in Italy. The Mixed Commission is divided into two sections: the Italian section and the US section. The 1979 Direttiva defines the rules and procedures for submitting projects, and is broken down into chapters. Each chapter provides specific guidelines for a project type, and the practice of referring to a project by chapter is very common. There are four key chapters in the document. New construction is referred to in Chapter 1 and uses the procedures defined there. Repair projects are defined in chapter 2, NATO prefinanced projects in Chapter 3, and Troop construction projects in chapter 5.

"Chapter 1 projects" require written approval from the Mixed Commission prior to starting construction. "Chapter 2 projects" require only notification to the Mixed Commission, but do not require approval. "Chapter 3 projects" are NATO prefinanced projects and must be approved prior to construction. Chapter 3 projects follow the same general process as Chapter 1 projects. "Chapter 5 projects" are projects submitted under Chapter 1 and 2 where the US requests to use troop labor for the construction. The employment of US personnel in construction work is considered as an exception due to technical reasons or the need to train US Military, and must be specifically requested and approved.

In addition, projects at Camp Darby, NSA La Maddalena and NSA Gaeta generally require submission to the Superintendent of the Environment (Soprintendenze di Beni Ambientali, SBA), as part of the approval process. These bases are located in National or Regional Park areas. Submission to the SBA requires additional information, which must be forwarded as early in the process as it is available.

The Mixed Commission Process also includes an Antimafia screening process required by Italian Law as well as a process to notify local and regional authorities (CO.MI.PAR.)

The Mixed Commission Process as defined in this Handbook generally takes from 9 to 12 months from the beginning to end. The key to successful project approvals is early planning. The Engineering Field Activity Mediterranean (EFA MED) office handles all Mixed Commission projects in Italy. The Contact numbers for EFA MED are:

Telephone: 011-3981-509-7561 FAX: 011-3981-509-7614

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Introduction

General

The Bilateral Infrastructure Agreement (BIA) was signed in 1954. Article 7 of the BIA authorized creation of Italian/United States Mixed Commissions responsible to review and approve U. S. funded construction projects. Presently, one such Mixed Commission exists for all of Italy and it is composed of one (1) Italian standing member and three (3) U.S. standing members. A working agreement was signed by the Governments of the United States and Italy on 29 October 1979 entitled "Procedures to be followed for the Execution of Infrastructure of United States Interest in Italy within the Framework of the Bilateral Infrastructure Agreement of 20 October 1954." The document, known as the Direttiva, established regulations and procedures for the execution of U.S. financed construction projects in Italy on land granted for use to the U.S. The 1979 Direttiva is the most current bilaterally signed guidance for submission of projects to the Mixed Commission for approval.

If you are planning a facilities project on an Italian Military Base, on land controlled by the Italian government, or on land ceded to the U.S. for military uses by the Italian government, **YOU MUST FOLLOW THESE GUIDELINES.** Projects on land leased from a private corporation or individual, or on city owned land do not need Mixed Commission approval, but may require local building permits.

The purpose of this guidebook is to assist commands in preparing requests for project approvals in compliance with the 1979 Direttiva. It translates the agreed procedures into a set of instructions that can be followed by individuals without a detailed knowledge of the Direttiva itself. Additionally, it explains certain requirements imposed since the 1979 Agreement such as anti-mafia screening procedures and post construction certifications of compliance with Italian Law. It is also intended to provide guidance for contingency construction, out of cycle submissions, and expiring funds (year-end) projects.

This guidebook is organized as follows:

Part 1 of this guidebook explains the submittal process and definitions. The 1979 Dirretiva was organized into chapters, each of which deals with a certain type of project or method of accomplishment. Each chapter requires a different submittal procedure. "Chapter 1 projects" require written approval from the Mixed Commission prior to starting construction. "Chapter 2 projects" require only notification to the Mixed Commission, but do not require approval. "Chapter 3 projects" are NATO prefinanced projects and must be approved prior to construction. Chapter 3 projects follow the same general process as Chapter 1 projects. "Chapter 5 projects" are projects submitted under Chapter 1 and 2 where the US requests to use troop labor for the construction.

The employment of US personnel in construction work is considered as an exception due to technical reasons or the need to train US Military, and must be specifically requested and approved.

For each type of project, the handbook contains submittal procedures and flowcharts showing each step in the submittal process and the agency responsible for performing it. Parts 2, 3 and 4 detail the processes required for Chapter 1 submissions for "Pre-Approval", "Pre-Award" and "Post Construction." The Chapter 3 (NATO Prefinanced) and Chapter 5 (Military Troop labor construction) follow the same process as the Chapter 1 projects.

Part 5 contains guidance for and explanation of the Chapter 2 submissions for notification. Part 6 provides information concerning "Contingency Support", "Out of Cycle Submissions", and "Expiring Funds Projects," and projects whose approval is greater than two years old.

The Appendices contain various documents and sub-processes required in the submittals. Examples of the document types and sample clauses are provided.

The Glossary contains a list of acronyms and terms used throughout this guidebook and in the Mixed Commission process.

The objective of this new edition of the guidebook, which supersedes the previous one, is to clearly convey all facets of the Mixed Commission process. It is intended to be used as a reference document. Our goal is to prevent submission errors which contribute to delays in project approvals, affecting your ability to execute construction, and ultimately impacting the mission of your base. Any comments or suggestions are welcome and should be addressed to EFA MED (Code N5).

Time Requirements

Activities must allow from nine to twelve months to securing approval of projects. There are no exceptions, as the bulk of this review time is required by the Italian government review agencies. For this reason, the key to success is early and thorough master planning of the activity's needs allowing timely project submission. No solicitation of bids or proposals can be made, nor can troop construction begin until Mixed Commission approval has been obtained. For expiring funds projects, authority to advertise and award can be requested on an exceptional basis to avoid losing money. However, construction cannot start until final approval is received.

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Two special cases should be noted which may require additional time before construction can be approved by the Mixed Commission: communications projects including antennas' installations, which require frequency approval by the Italian government and those projects which entail a change of mission not previously approved by the Italian government.

Schedule for Submittals

Projects that are to be submitted for Mixed Commission review or notification should be identified by July prior to formal submission in the Fall. In October a briefing is made by the US Operational Commanders for each service to the Italian Defense General Staff (IDGS). The brief is intended to describe each project for the upcoming year and describe how it is related to the mission and masterplan of the activity.

All Chapter 1, 2, 3, and 5 special projects and base level projects which will be executed in the next fiscal year should be included in the brief and the subsequent submission. Military Construction projects should be identified and submitted at least one year prior to the year of execution. (October 97 for a FY 99 MILCON). MILCON projects generally take more review time because of high level interest on the part of the Italian government in large U.S. military projects.

All projects for a given base are to be submitted to the US Section of the Mixed Commission (USMC), as a single package, not later than 15 days after the IDGS briefing. Late submittals or projects not included in the IDGS briefing will be accepted only if the base can justify the urgency of the project and certify that funds are available to execute the project during the fiscal year. Due to the complex approval process, submittals made after February have little chance of approval in time for execution during that fiscal year regardless of any justification.

Illustrative Statements (IS)

The Illustrative Statement (IS) is the prescribed format for submitting a project for review and approval by the Mixed Commission. The IS typically consists of two to three pages of typed information in a specific format, with technical drawings or sketches. The information must be presented in both English and Italian. The IS text must be signed by the activity Commanding Officer or his/her designated representative. Appendix C contains the IS format with instructions for completing each block on the form. Activities should use and adapt this format to specific projects. The basic format (divisions) must be followed, but additional divisions may be added if considered necessary to accurately describe a project. Facilities and buildings mentioned in the IS must be clearly shown on accompanying drawings or sketches.

Technical Drawings

Drawings and sketches must be presented with the IS to complete the project documentation. These shall include:

- A site plan clearly indicating location of the proposed project in the context of the installation and all associated construction (roads, sidewalks, substations, pump houses, parking areas, etc.). It is important to show thorough and clear dimensions of existing structures to clearly locate the proposed construction on the base. Buildings or facilities to be demolished or abandoned must be clearly shown and their ownership identified (U.S., Italy, NATO, etc.); use a separate sketch if need be. Omission of a site plan or incomplete sketches missing dimensions or translations will require return of the submission to the activity for correction.
- Floor plan for each floor of a facility, showing overall dimensions.
- Elevation views, showing overall dimensions.
- Schematic diagrams of utility distribution systems, particularly for utilities projects.
- All dimensions must be in the metric system.

Drawings and sketches may be any size provided they are clear and legible and well dimensioned; narrative on the drawings must be both in English and Italian. Fax copies will not be accepted by the Italian Side of the Mixed Commission. (ISMC)

Copy Requirements

Submittal copy requirements generally are as follows:

Illustrative Statement Text 7 copies in English 7 copies in Italian Technical Drawings 7 sets annotated in English/Italian

Technical drawings should be neatly folded to fit in a 10" x 13 " (250mm x 340mm) folder. These are minimum requirements for IS copies and drawing sets. The USMC will notify activities if additional copies and sets are required for particular projects.

Design and Construction Certifications

GENIODIFE (Italian Defense Directorate of Engineering and Public Works) is responsible for verifying that all military construction complies with Italian building laws and regulations. The final design packages must be certified by an Italian design professional to that effect. It is strongly suggested that the development of the final design and drawings be closely coordinated with the Italian design professional who will certify the drawings so as to avoid costly redesign requirements during final design review. Italian building codes may differ significantly from U.S. government design standards. The certifications detailed in Appendix D are required on final designs.

Anti-Mafia Screening

Italian law requires that contractors on all government funded construction projects be screened to ensure that they are not mafia connected. Anti-Mafia screening is required for all projects with the exception of Chapter 2 projects less than \$100,000 and Chapter 5 Military troop labor projects. Appendix A details the process and submittals required for Anti-Mafia screening.

Address for Approvals

All requests for Mixed Commission approvals should be submitted to the following address:

Chairman, U.S. Section Construction Mixed Commission Commanding Officer Engineering Field Activity Mediterranean (Code N5) PSC 810 Box 51 FPO AE 09619-0051

Lessons Learned

The following recommendations concern minor problem areas and are the result of lessons learned in the course of the past years:

- In paragraph (3), Type of Construction, of the IS, indicate the height, width and length of the building.
- Any facility mentioned in the IS such as fencing, substation, access road, etc. should be shown on the drawings.
- Buildings to be demolished to make room for the construction area should either be shown on the drawings or on a separate sketch clearly identifying the ownership (U.S., NATO, Italy, Joint Ownership).
- Any mention in the IS of base personnel loading or new mission requirements that differ from the existing Technical Agreement must be avoided.
- Description of project on the IS should be consistent with the one shown on the drawings. Drawings must be legible.
- Avoid indicating dimensions in the IS which conflict with those shown on the drawings. All dimensions must be in the metric.
- The ISMC, GENIODIFE and IDGS encourage coordination with the Italian Base Commander during the planning and design phase. This coordination they claim, will considerably shorten the required approval time. However, a favorable opinion by the Italian Base Commander <u>must not</u> be construed as project approval.

Part 1: Process & Definitions

The overall procedure for Mixed Commission approval of US construction projects within Italy is comprised of three phases, pre-award, pre-approval and post-construction as shown in figure 1-1. The three phases shown are expanded upon within the subsequent chapters of this handbook. In general the Pre-Approval Process includes an annual briefing to the Italian Defense General Staff by the Activity Commanding Officers that outlines the projects being submitted for that year. Also included is the submission of an Illustrative Statement for each project.

Figure 1-1: Mixed Commission Process



Once the project has been approved for award by the Italian Section of the Mixed Commission, the pre award process begins. This process includes bidders list submission, anti-mafia screenings and submission of design certification documents.

The Post-Construction process covers project the time the is under construction through the final acceptance of the facility from the contractor. This process includes the submission of post construction certificates and project closure.

For purposes of the Mixed Commission submissions the following definitions apply:

Construction is defined as new facilities, additions to existing facilities, substantial modifications to existing facilities or significant changes in the use of existing facilities.

Repair is defined as any work which does not change the cubic capacity or the use of the infrastructure.

Maintenance is routine work required by the normal wear and tear of a facility. Maintenance returns the facility to its original design capability, but does not upgrade the facility.

Figure 1-2: Project Definitions

"Chapter 1" projects

- All construction projects with an estimated cost of \$30,000 or greater
- All repair projects with an estimated cost of \$1,000,000 or greater
- All repair projects which require submission to the Sovrintendenza ai Beni Ambientali (SBA), the Italian Environmental Agency.
- All repair projects which significantly change the external appearance of a facility

"Chapter 2" projects

• All repair projects with an estimated cost between \$30,000 and \$1,000,000 that do not otherwise fall under the Chapter 1 definitions.

"Chapter 3 - NATO Pre-Financed" projects

• NATO Pre-financed projects submitted under "Chapter 1."

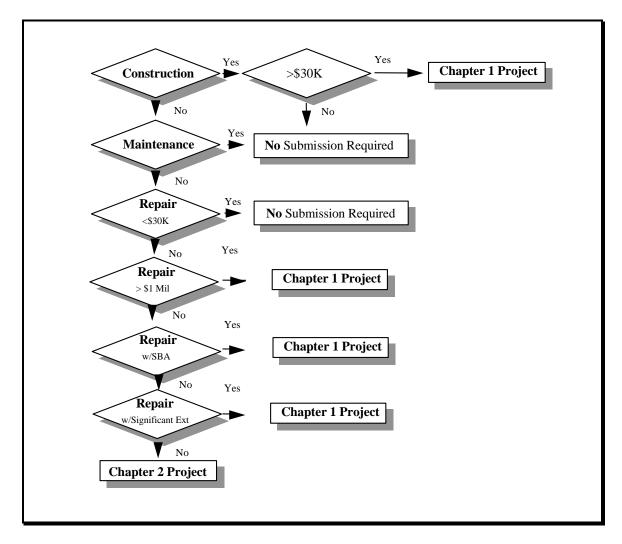
"Chapter 5 - Troop Labor" projects

• Projects submitted under "Chapter 1" or "Chapter 2" where the US requests to use troop labor for the construction.

Chapter 1 projects require full approval by the Italian Government prior to beginning work. Chapter 2 "Repair" projects are submitted for notification only, and approval to begin work may be assumed 60 days after the project is received by the ISMC unless otherwise notified. Maintenance projects are not submitted for either notification or approval.

The following figure shows the decision path for determining whether a project should be submitted under "Chapter 1" or "Chapter 2".

Figure 1-3: Chapter 2 Project Determination



Part 2: "Pre-Approval Process for Chapter 1, 3, and 5 Projects"

This part of the handbook covers the "Pre-Approval" process for Chapter 1 submittals as defined in Part 1 of this handbook. The Process begins with this issuance of a guidance letter by the USMC. As indicated on Figure 2.1 this letter will be sent out in June each year.

The IDGS Flag level brief will be scheduled in the October time frame. Activities are responsible for completing the briefing packages for the projects. The briefings will be made to the IDGS by the Activity Commanding Officers. These will be conducted separately by each service in order to keep the presentation focused.

The Illustrative Statements are to be submitted to the USMC not later than 15 days after the IDGS briefs. The USMC will submit the packages to the Italian Side of the Mixed Commission for review as shown on Figure 2.1.

Additional documentation will be required for projects affected by the "Galasso Law." ALL PROJECTS AT CAMP DARBY (LIVORNO), GAETA AND LA MADDALENA ARE SUBJECT TO GALASSO LAW REVIEW. The "Galasso Law", formally known as Italian Law Number 431 of August 8, 1985, established procedures for review of all construction projects in environmentally or culturally sensitive areas. Legal interpretation has indicated that as much as one third of all Italian land falls under the restrictions of the Galasso Law. All projects within national parks or reserves, within forests or woods, on mountains or within 300 meters of coastlines or lake shorelines, or 150 meters of river banks are subject to review under this Law. The review is conducted by the Ministero dei Beni Ambientali e Culturali (MBAC), which has delegated review responsibilities to the local Sopraintendenza ai Beni Ambientali (SBA). The review takes about 60 days. This review will be conducted prior to the project being approved.

It is strongly suggested that the USMC be contacted during the pre design stage to determine the applicability of the Galasso Law to the project. Activities are encouraged to submit Galasso Law documents as early as possible. In any event, preparation of the documents should be included in the scope of work for the AE doing the design. The documentation required is outlined in Appendix F. A delay in submittal of Galasso Law documents can cause significant delays in the approval process. Since the majority of all projects at Gaeta, La Maddalena and Camp Darby require Galasso Law submissions, they should be included with the illustrative statement if possible.

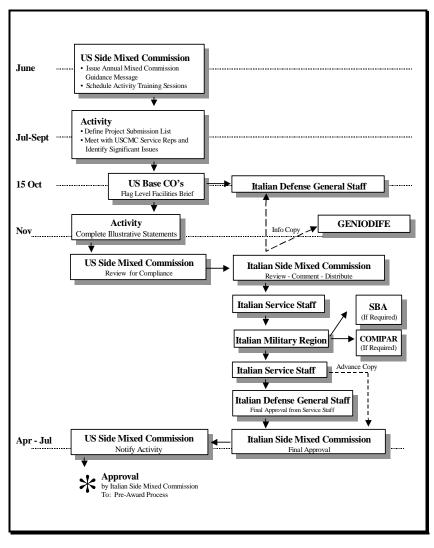


Figure 2-1: Pre-Approval Process

The Italian Service Staff normally decide which projects are sent for COMIPAR review. The COMIPAR review takes about 60 to 120 days.

The process indicated for Chapter 1 projects is to be followed for NATO pre-financed The IDGS projects. **Facilities** Briefing should indicate any projects that are in this category. Illustrative Statement should contain indicating statement that the project is NATO Pre-Financed and indicate the number of the

approved NATO Capability Package involved.

• According to the 1979 Direttiva, the employment of US military personnel in construction work shall be considered as an exception due to technical reasons or due to the need to train US Military units. It is at the IDGS discretion to authorize the employment of US military personnel. Consequently, the activity shall send justification for the proposed use of military personnel for the construction work as part of the Illustrative Statement for the project. It is important to note that if a project is approved as a Chapter 1 or 2 project (contractor construction), it **CANNOT** be done by troop labor after approval unless a specific written request is made to the IDGS.

A letter notifying the activity of final approval will be sent by the USMC. Construction cannot be awarded prior to final approval.

Part 3: Pre-Award

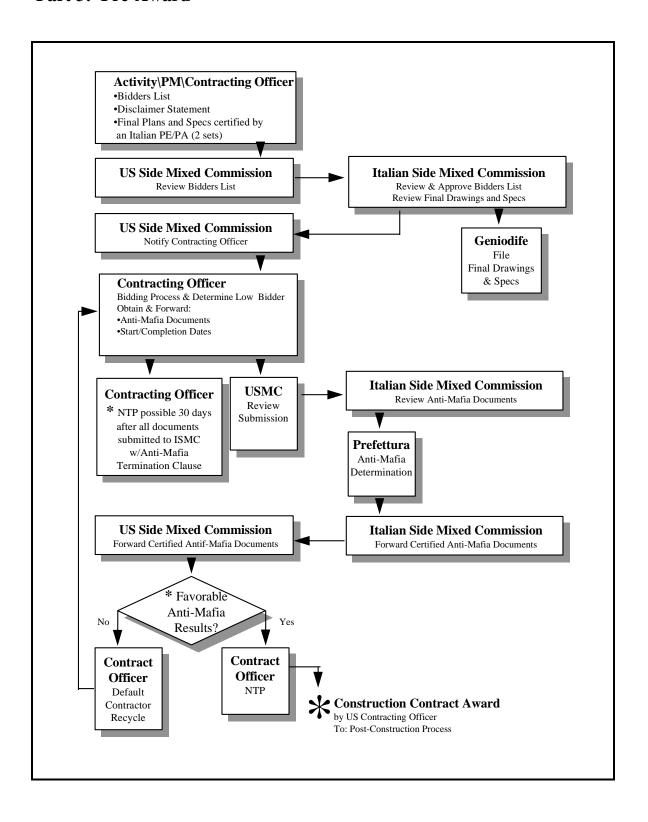


Figure 3-1: Pre-Award Process

Once a project has been approved for construction the Activity, Project manager, or Contracting Officer must submit a bidders list and 2 copies of the final plans and specifications certified by an Italian engineer on the professional roles, and a copy of the disclaimer statement shown in Appendix A. It is worthwhile mentioning that the 1954 BIA assigns the responsibility for the preparation of the bidders' list to the ISMC. However, the ISMC has agreed to review the list prepared by the activity reserving the right to reject firms for cause. The ISMC sometimes recommends the addition of firms. The Contracting Officers or Contracting Regions may request permission to reject a firm added by ISMC, but it must notify ISMC (via the USMC) explaining the reasons of the rejection. Prior to forwarding the list of bidders to USMC, the activities must ascertain that bidders are registered on the Albo Nazionale Costruttori (ANC). This is essential for any size job. It is recommended that the ANC registration number be indicated next to the full name and address of the proposed firms, and that an unexpired copy of the ANC certificate be forwarded for each bidder. This will facilitate review by the ISMC and preclude delays in the bidders list approval process. A sample ANC certificate is included in Appendix D.

The ISMC must review and approve the bidders list for financial and technical capability prior to the bidding and selection process.

Once the bidders list has been approved the Contracting officer can proceed to determine the firm to whom the award will be made. (Low Bid or Best Value) At that time the Anti-Mafia data outlined in Appendix A must be sent to the USMC to be screened by the Italian government to ensure there is no mafia involvement. This is accomplished by forwarding the appropriate documents in accordance with Appendix A. The actual screening is performed by the Preffetura's office. USMC will inform the activity when the screening has been completed and provide results of the screening. Note that it takes the Prefect's Office 30 to 60 days to furnish the results of the screening. To avoid any delays, the Contracting Officer can award the contract with a termination clause for failure to meet the Anti-Mafia Screening requirements. This clause allows the contract to be awarded 30 days after the anti-mafia documentation is accepted by the ISMC. The clause is provided in Appendix A. If the Contractor fails to pass the Anti-Mafia Screening the Contracting Officer must terminate the contract for default.

The Activity must also forward two sets of final design drawings and Specifications along with the start and completion dates for the project to the USMC. The final design for the project must have the required design certifications by an Italian Engineer or Architect registered on the professional roles described in Appendix D.

Part 4: Post-Construction

Once the project nears completion, the ROICC or US representative will invite Geniodife to observe the final inspection as shown in Figure 4-1. Once the final inspection has been completed the contractor will provide the ROICC the as-built drawings and testing certificates outlined in Appendix D. The Contractor is responsible to accomplish the testing during and after construction and to provide the certificates required by Italian law.

ROICC Contractor One Month prior to Conduct Testing Required by Final Inspection Invite Geniodife Italian Law **ROICC** Geniodife Conduct Final Inspection Attend Final Inspection Contractor Submit As-Built Drawings and Testing Certificates to ROICC ROICC Submit As-Built Drawings and Testing Certificates to USMC **US Side Mixed Commission** Submit As-Built Drawings and Testing Certificates to ISMC **Italian Side Mixed Commission** Review Drawings and Testing Certificates Geniodife FileAs-Built Drawings & Test Certificates

Figure 4-1: Post-Construction Process

Post construction certificates are critical to ensure compliance with Italian law and for residual value purposes should the facility ever be returned to the Italian Government.

Part 5: "Chapter 2 Project" Notification

Chapter 2 projects are submitted for "notification" purposes. The projects will be briefed at the IDGS facilities briefing and will have Illusrative Statements prepared. They are to be submitted at the same time the Chapter 1 projects are submitted. Once the project has been submitted award and execution of the project can proceed after 60 days if no response is received. The Illustrative Statements are have the same content and format as the Chapter 1 projects.

US Side Mixed Commission Issue Annual Mixed Commission Guidance Letter •Schedule IDGS Flag Level Facilities Brief Schedule Activity Training Sessions Activity •Define Project Submission List •Identify Significant Issues •Prepare Briefing Packages and Illustrative Statements US Base CO's **Italian Defense General Staff** Flag Level Facilities Brief Activity Complete Illustrative Statements **US Side Mixed Commission Italian Side Mixed Commission** Review for Compliance Review to Determine if Valid Chapter II Contract Award by Contracting Officer 60 days after ISMC Receives Project Italian Side Mixed Commission

Figure 5-1: Chapter 2 Notification Process

Chapter 2 projects need to follow the pre-award and post-construction process. If they are greater than \$100,000, an anti-mafia screening is required and post-construction submittals must be forwarded. The bidder's list must be approved, the design signed and certified by an Italian professional engineer and 2 sets of drawings and specifications must be forwarded to the USMC.

Review to Determine if Valid Chapter II

Part 6: Contingency Support/ Out of Cycle Submissions/ Expiring Funds/ Approvals More than 2 years Old

Contingency Support: Occasionally, operationally urgent projects are generated to support contingency requirements. The construction for these projects generally needs to start immediately, but no mixed commission documentation has been submitted. We have been successful in the past in getting authority to start the projects prior to Mixed Commission approval providing that the operational need has been briefed and agreed to by the right levels in the Italian Government in Rome. This responsibility falls on EUCOM and the activities involved. The USMC should be consulted as early in the process as possible to help identify the key players in Rome and to determine a strategy to meet the operational timeline while satisfying Mixed Commission requirements. If the operational departments of the Ministry of Defense (3rd Reparto) concur with the projects and support the urgency, their opinion will greatly influence the infrastructure department (4th Reparto) to waive Mixed Commission procedures, allowing construction to begin while the paperwork follows.

Out of Cycle Submissions: The normal Mixed Commission submission cycle begins in October with the flag level briefings and submission of the Illustrative Statements in early November. This cycle allows the projects to go through the process as a group, expediting both approval and tracking. Out of cycle submissions are possible, but involve special handling by the ISMC and IDGS. For this reason, a written justification must accompany an out of cycle submission giving the reasons for its urgency, describing the reasons it was not included in the normal submission cycle, and providing a realistic need date. Projects submitted after February have very little chance of being approved for execution in the same fiscal year. The USMC should be consulted as soon as the need for an out of cycle submission is known.

Expiring Funds: If a project has expiring funds and has been submitted to the Mixed Commission but is not approved, the activity may request to take "reversible actions" to award the project. If granted, the activity may award the contract to obligate money, but MUST STOP THE CONTRACTOR AND NOT BEGIN CONSTRUCTION UNTIL FINAL APPROVAL IS RECEIVED. This subjects the government to potential delay costs and is an exceptional measure to save year end money. For the IDGS to approve a request for reversible actions, they require that the project have already been approved by the local COMIPAR.

Approvals over 2 years old: Although there is no formal expiration of the approval on a project, one has been proposed by the IDGS. Current guidance for projects that were approved more that 2 years before the award date is that the USMC must be informed prior to execution. The activity must certify that the design has remained substantially the same as the project which was originally submitted to the ISMC. The USMC will verify that there have been no changes in Italian law or the base technical agreement which would invalidate the previous approval. We recommend that any project which is still viable after 3 years be resubmitted for reapproval to the Mixed Commission.

Appendix A: Anti-Mafia Screening Process

The need for Anti-Mafia screening is outlined in the 1995 Shell Agreement and the Bilateral Infrastructure Agreement (BIA).

"The US and Italian commanders will cooperate to avoid that the provision of goods and services create disturbances on the local market, by examining the possibility that, when US purchases are made by direct contracts, procedures similar to those used by the Italian Armed Forces are adopted, including anti-Mafia screening procedures."

---- Article XI, paragraph 1 of the 2 Feb 95 MOU, ref Article 31 of the BIA

In general, Italian Decree Law 490/94 provides that an anti-Mafia statement must be requested from the Prefeturra's office prior to contracting with the firm. If the Prefettura concludes that there are prohibited Mafia connections, the contract cannot be executed. Under certain circumstances (urgent works and services), a contract can be awarded while awaiting an anti-Mafia statement. If the Prefettura concludes that there is a prohibited Mafia connection, the contract must be defaulted. A contractor can appeal a finding of prohibited Mafia connection. If the Regional Administrative Tribunal grants the appeal, the Prefettura's finding is suspended and the contractor is considered free from prohibited Mafia connections.

Submit anti-Mafia Documents Chamber of Commerce membership certificate •Family Status certidficate Residency certificate No ROICC Review Yes EFA Med N5 Review Yes ISMC Prefettura Yes ISMC EFA Med N5 ROICC

Figure A-1: Anti-Mafia Screening Process

The documents to be provided by the contractor are as follows:

- An original copy of the Chamber of Commerce Certificate of Membership that is less than 10 months old at the bid opening date.
- Family Status Certificates (Stato di Famiglia) and Residency Certificates (Certificato di Residenza) for each member of the company, as listed in the Commerce Certificate of Membership. These certificates must be less than 1 month old at date of bid opening.

The position of each individual within the contractor's organization must be specified on each certificate submitted (President, Managing Director, Technical Manager, Partner, etc.). Normally, only the prime contractor must undergo an anti-mafia screening. Occasionally, a prime contractor may request that all sub-contractors be screened as well. If specifically requested, the ISMC and USMC will conduct the screening on the subcontractors.

Examples of all documents are included at the end of Appendix A.

The contracting officer should forward all the documentation with a cover letter indicating the solicitation number, date of bid opening for IFB's or date of selection for RFP's, and estimated contract award amount in Italian Lira. In order to comply with the above process it is necessary to include a termination provision in our contracts that can be exercised in the event a contractor does not pass the anti-Mafia screening process. The following clauses should be included in all applicable contracts:

Figure A-2: Anti-Mafia Contract Clauses

25 Anti-MAFIA Law

- 25.1 Pre-Award Effect of Anti-Mafia Procedures: Inasmuch as the work of this solicitation is to be performed on land owned by the Italian State, the prospective contractor will be subject to Italian Law No. 646, of 13 September 1982, and subsequent integration's and amendments. The solicitation data will be made available only to firms that meet the submittal requirements described in paragraph 25.4. As such, in the event that prior to award any disciplinary actions or proceedings for Mafia related matters exist against the apparent low bidder, no award will be made to said low bidder.
- 25.2 <u>Termination Under Italian Law No. 646 (Anti-Mafia)</u>: If during the life of this contract, any proceeding or disciplinary actions contemplated by Italian Law No. 646 of 13 September 1982 (and subsequent amendments and integration's) is undertaken against any component of the Contractor or any Subcontractor, the Government can consider this a failure to execute the work and terminate the Contractor's right to proceed with the work under the "Default" clause of this contract.
- 25.3 Application of Italian Law No 646 (Anti-Mafia) to subcontractors: In addition to the requirement in the "Subcontractors" clause of this contract, before the Contracting Officer can consent to any subcontractors, the Contractor will be required to certify to the Contracting Officer that no disciplinary actions or proceedings for Mafia related matters exist against such Subcontractors.
- **25.4** <u>Submittal Requirements:</u> Contractors are required to submit the following:
 - a) An original copy, unexpired and not older than 10 months at the time of the bid opening, of the Chamber of Commerce Certificate of Membership (Certificato di iscrizione alla Camera di Commercio).
- **b)** Original copies, unexpired and not older than one month at the time of the bid opening, of Family Status and Residency Certificates of each and every member of the firm, as listed in the Chamber of Commerce Certificate of Membership (Per Decreto Legislativo n. 490 of 8 Aug 94, published in the Gazzetta Ufficale n. 186 of 10 Aug 94).

Appendix B: Italian Defense General Staff Briefing

The initial step in the Mixed Commission process is an annual briefing to the Italian Defense General Staff. This briefing is held in October of each year and is intended to provide the initial list of all projects to be submitted for the next year's execution. The briefing location alternates between Rome and the bases on an annual basis. Individual briefings are held for the Army, Air Force, and Navy. Commanding Officers present the projects for their installations, describing the relationship of each project to the mission and masterplan for the base. The IDGS is presented a consolidated briefing package for each service at the brief. (The briefing package must be presented in English and Italian.) The package for each activity must include the following information:

- Cover Sheet
- Mission Statement
- Executive Summary of the Development Plan for the Installation
- Map of the existing conditions of the Installation showing the Project locations
- Project lists broken down by project type
- Project summary page

Cover Sheet

The cover sheet for the activity package should include the following:

Name of the Installation
Date of the Briefing - Month and Year only
Fiscal Year covered by the brief

Mission Statement

The mission statement for the activity is to be included. This must be the mission as defined in the Technical Agreement (TA) for the Installation.

Executive Summary

A executive level summary of the proposed development for the Installation must be included. This should include the vision for future development at the activity. The individual projects are defined later in the package, this section should be conceptual in nature. This should relate to the mission for the installation as defined in the mission statement included above.

Map of Existing Conditions Showing Project Locations

A map of the installation is to be included that indicates the project location with a color coded dot and a leader with the project number. The map should reflect the current existing conditions at the activity. The scale of the map should be sufficient to show roads, major buildings and structures. The project dots are to be color coded as follows:

Environmental Green
Safety Red
Modernization Yellow
Quality of Life Blue

Project Lists

A list of the projects to be submitted must be included in the briefing package in table format. If multiple fiscal year are to be presented in the briefing separate tables for each year are required. Separate tables should also be developed for each category of project (i.e. "Chapter 1", "Chapter 2", "Chapter 3" and "Chapter 5"). The table should include the following information:

• Project Number This is the US special project or MCON number.

• Project Title A short descriptive title.

• New/Existing Is the facility new or and existing facility?

• Type of Project The project type reflects the categories indicated on the project map. The following terminology should be used.

Environmental AmbienteSafety Sicurezza

ModernizationQuality of LifeRimodernamentoQualita della vita

Project Summary Page

Each project should be summarized on one page. An example of a page from a briefing package is included in this Appendix as Figure B-1. The page must include the following information:

- Project Number, Chapter, Type and Fiscal Year
- A drawing of the project siting. This should be at a larger scale than the overall installation map. The drawing should reflect the specific project development on the site. If the project is in an existing building, that building should be highlighted.
- A Project Narrative is to be included. This is a short description of the project. The link to the mission should be included. This is not a funding justification for the project. The description needs to be short and to the point. Conformance with the master plan should be highlighted.
- A summary of the Cost, Environmental Impact and Demolition is to be included. The
 cost is to be in US Dollars. The statement of environmental impact should be one
 sentence that reflects the environmental review that was conducted for the project.
 The demolition should be a list of buildings and structures to be removed by the
 project.

Figure B-1: IDGS Briefing Book Page Format

Project Number FY	English Titl Italian Titl
English Project Narrative Region Project Narrative Region Project Narrative	; 2
3	3
5	4 5
6	6
7	$\frac{1}{7}$
8	8
9 Number of Lines at 10 point typeface	9 Number of Lines at 10 point typeface
10	10
11	11
12	12
13	13
14 15	14
16	16
17	17
18	18
19	19
20	20
Cost:	Costo:
Environmental:	Ambiente:
Demolition:	Demolizione:
[1 M.J

Key Map	Chapter 1 Capitolo 1	Modernization Rimodernamento
	P	roject Map
Activity Name		

Appendix C: Illustrative Statement

The illustrative statement is to be prepared by the activity in both English and Italian. Seven copies signed and dated by the Activity Commanding Officer are required. The illustrative statement for each project must contain the following sections:

Project - The US project number and title as used in the IDGS brief must be used.

Cost - The total estimated cost in U. S. Dollars must be shown. A statement to the fact that the project is to be fully U. S. funded is required.

Site Information - The following drawings should be included with the package and explained and referenced in the document.

- Geographic location map
- Site plan
- Existing building or structure drawings if the project affects and existing facility
- Show road names, parking, buildings to be demolished and building numbers.

Requirements to be met by this construction - Briefly describe why this project is needed and its relationship to the Master Plan for the installation. Indicate if this project is being submitted for the first time or has been submitted previously, in whole or in part. Explain the outcome of the previous submissions.

Military Mission Justification - Provide an unclassified operational justification for this project. This should relate to an approved mission documented in the Technical Agreement for the installation. If applicable, explain the relationship of this project to future deployments. The operational need date should also be provided.

Project Description - This should reflect the information provided in the IDGS brief. Describe the proposed scope, type of construction, unique architectural features and size and/or capacity in metric units. Give details of supporting equipment, facilities, additional access roads, exterior fixtures and utilities needed and how they will be provided.

Describe which NATO facilities, if any, are available that will satisfy the project requirement. If available, explain why they cannot be used. The same applies to existing Italian military facilities.

Will the project be linked to any future scheduled project? Will the project be followed by related or similar projects? Any interim moves required by the project need to be defined.

If the project involves the use and/or safety of POL products then provide specific details relating to operational safety and environmental safeguards to be employed. Explain any effects this project may have on other activities inside or outside of the installation (ex. emissions from radar or microwaves.)

Environmental Impact - Provide a statement regarding the environmental impact the proposed construction will have on the immediate area and on the surrounding community. A statement that explains that this project will comply with the Final Governing Standards for Italy as well as all applicable Italian environmental laws. The Environmental Statement of Negative Decision, if available, should be attached to the illustrative statement and referenced in this document.

NATO Financing Eligibility - Provide a statement on the eligibility for the project to receive current or future NATO funding. State whether or not a pre-financing statement will be requested for submission through Italy for NATO funding. Include the capability package number and NATO project number if the project is included in a NATO CP.

General Remarks - Include any remarks that will assist the Italian authorities to process the approval of the project. The following statements must be included:

- "This project provides support to the military operations involved in the National Defense. The US Section of the Mixed Commission believes, therefore, that the subject project meets the requirements to be considered Defense Infrastructure and proposes to apply the waiver set forth in Chapter IV of the applicable procedures."
- "All structures and technological systems included in this project will be designed in compliance with all applicable Italian laws."
- "This project has been coordinated with the Italian Base Commander and his concurrence received." If this statement is used the page must be signed by the Italian base commander showing concurrence.
 - or -
- "The project is being coordinated with the Italian Base Commander."

Point of Contact - Provide the name, address, telephone number and title of a person that could clarify any information given in this document.

Appendix D: Pre-Award and Post-Construction Certifications and Applicable Laws

Final Design Drawings- Pre-Award

The final design drawings must contain the <u>original</u> certification signed by an engineer or architect registered on the National Professional Rolls of Italy that the design complies with all applicable Italian laws and regulations. Required wording for the certification is as follows:

Figure D-1: Final Design Drawing Certification Statement

PROJECT No. (enter here the full description of the DECLARE THAT I HAV	THE DEFINITIVE AND DETAILED DESIGN FOR the EBL/ISMC I.D. #), PERTAINING TO (enter here to project) AT (enter here the location of the project), I VE ASCERTAINED THAT THE STRUCTURES AND L SYSTEMS INCLUDED THEREIN COMPLY WITH LIAN NORMS.
DATE	SIGNATURE
(PROFESSIONAL ROLL RE	GISTRATION STAMP)
RELATIVO A DICHIARO DI AVERE	GETTO DEFINITIVO E DETTAGLIATO N,,
DATA	FIRMA
(BOLLO ALBO PROFESSIO	NALE)

Reinforced, Pre-stressed Reinforced Concrete and/or Structural Steel Designs:

- The design shall be certified by an engineer or architect registered on the National Professional Rolls of Italy. He must sign and affix to the final design a certification that the design calculations and drawings comply with applicable laws. The required certification wording is as shown in figure D-1.
- Performance of the construction work must be under the supervision of an engineer, architect, or technician registered on the National Professional Rolls of Italy. Certification of the construction performance in accordance with Italian Law 1086 shall be made the responsibility of the construction contractor by a clause or special provision in the construction contract as shown in Figure D-1.
- Static load tests shall be performed by an engineer, architect, or technician registered on the National Professional Rolls of Italy for at least 10 years and who in no way took part in the preparation of the design or in the supervision and performance of the work. The test shall be performed in accordance with Italian Law 1086 and shall be made the responsibility of the construction contractor by a clause or special provision in the construction contract as shown in Figure D-1.

Technical Systems Post Construction Certifications

The following certifications must be forwarded to GENIODIFE via the ISMC following construction. These certifications are needed to demonstrate that the infrastructure is in compliance with Italian Law as required under the Bilateral Agreement. An example of an electrical testing certification is included at the end of Appendix D.

Three (3) originals of the following certifications, as appropriate, and one marked up asbuilt set of plans are required upon completion of construction. These certifications should be performed by an appropriate professional registered on the National Professional Rolls of Italy. The construction contract should include a clause (or clauses) indicating to the contractor that it is his responsibility to provide these certifications upon completion of construction. The wording of the clause in Figure D-2 is suggested as a model for the following certifications:

- 1. Static Load Test Certificate IAW Law 1086 of 5 Nov 71
- **2. Certificate of Compliance of Electrical Systems** IAW CEI regulations and with DPR 547 of 27 Apr 55 on Accident Prevention.
- **3.** Certificate of Compliance of Heating Systems above 100,000 Kcal/hr IAW Law 373 of 30 Apr 76.
- 4. Fire Prevention Certificate of Compliance IAW DM 16 Feb 92 and DM 8 Mar 85
- 5. Passenger and Freight Elevators Test Certificate IAW Law 1415 of 24 Oct 42
- **6. All work to be in compliance with E.C. Law 46 of 5 March 1990** Provides for minimum standards of all technical systems in buildings.
- **7. As Built drawings** will include all plans, elevations, sections and layouts of water, electrical, sewer, heating, ventilation and air conditioning (HVAC) systems. Where appropriate, the as-builts should be certified by the construction supervision professional.

Laws Regulating Construction in Italy

- **1. Law No. 1086 of 5 Nov 1971** Regulations for normal and pre-stressed reinforced concrete construction and construction with metal structures. Ministerial Decree No. 34232. Technical Standards for the performance of normal and pre-stressed reinforced concrete works and works with metal structures. (These are the standards implemented through Law No. 1086/71 with subsequent periodic amendments).
- **2.** Law No. 64 of 2 Feb 1974 Provisions for construction with particular requirements for seismic areas.
- **3.** Law No. 46 of 3 Mar 1990 Plant systems safety standards. Italian Presidential Decree No. 447 of 6 Dec. 1991. Regulations for implementation of Law No. 46/1990.
- **4. Italian Law 373 of 30 April 1976** Regulations for Heating Systems above 100,000 Kcal/H
- **5. Italian Law 1415 of 24 October 1942** Passenger and Freight Elevators

The following clauses should be included in all applicable contracts:

Figure D-2: Post-Construction Certification Contract Clauses

- **a.** Certification of Compliance. As a condition of final acceptance of the work, the Contractor shall submit to the Contracting Officer a certified statement that the work complies with all applicable Italian laws and also a certified statement that the executed work is adequate and safe for the designated use. The certification shall be made by an engineer and/or architect regularly registered on the National Professional Rolls of Italy for at least ten years.
- **b. Static Load and Final Testing.** The Contractor shall comply with the pertinent articles of Italian Law 1086 of 5 November 1971, and all subsequent revisions. Because this construction will be performed on property owned by the Italian State, the 1086 Law Articles pertaining to notification and participation by civil authorities are not applicable. The Contractor shall be fully responsible for construction, supervision, static load tests and final testing, and for all costs associated with this procedure and specifically follow Article 7 of Italian Law 1086 in performing the test. Any fees for these tests shall be in accordance with Italian Professional Law No 143 of 2 March 1949 as amended. Article 2 of Italian Law 1086, as amended, requires the static load tests to be performed under the supervision of an engineer or architect registered on the National Professional Rolls of Italy. Since GENIODIFE intends t participate in static load and final testing, the contractor shall notify the Contracting Officer at least 21 calendar days prior to any static load or final test to enable the Contracting Officer to notify GENIODIFE, and prior to performing the tests, submit to the Contracting Officer the names and the certified credentials of the engineer(s) or architect(s) they propose to perform the static load testing. Upon completion of the test, the Contractor shall submit to the Contracting Officer two original certifications of the static load test results together with a certification that the static load tests were performed by the same engineer(s) or architect(s) whose certified credentials were previously submitted. The Contracting Officer will submit on original certification to Geniodife.
- **c. Other tests.** In addition to the certifications listed above, the Contractor shall comply with all other certifications and testing required by Italian Law. The Contractor is also responsible for all permits required by Italian Law (See contract clause paragraph 87 USEUCOM 252.236-9900 entitled Permits and Responsibilities (1984-E)). The Contractor shall submit to the Contracting Officer two originals of each certification required by Italian Law. Such certifications may include but not be limited by the following as applicable to the project:
- (1) Certificate of compliance of electrical systems in accordance with CEI regulations and with DPR 547 of 27 April 1955 on accident prevention.
- (2) Certificate of compliance of heating systems above 100,000 Kcal/hr in accordance with Italian Law 373 of 30 April 1976
- (3) Certificate of fire prevention compliance in accordance with DM 16 February 1982 and DM 8 March 1985
- (4) Certificate of passenger and freight elevators test in accordance with Italian Law 1415 of 24 October 1942
- (5) Certificate that all work complies with E.C. Law No. 46 of 5 March 1990, which provides minimum standards of all technical systems in buildings.

Appendix E: Mixed Commission Project Check list

This list is intended to assist in the approval process for the individual project.

Figure E-1:

Italian Mixed Commission Project Checklist

US Project Number ISM	1C Project I	Project Number			
Project Title					
	Chapter 1	Chapter 2	Chapter 3	Chapter 5	
Pre-Approval					
Coordination with Italian Commanding Officer Project Briefed to IDGS Preparation of Illustrative Statement in AE scope (if desired)					
Italian Engineer Certification in AE scope Preparation of SBA submittal in AE scope Environmental statement included in Illustrative Statement		n/a			
Illustrative Statement prepared Final design signed by Italian engineer. Final design sent to ISMC (2 copies)					
Anti-mafia termination clause in Construction Contract Post construction submittal clause in Construction Contract As-built clause in Construction Contract					
Disclaimer statement to ISMC Coordination with GENIODIFE representative Justification for use of Troop Labor	□ □ n/a	n/a	□ □ n/a		
Prefinancing Statement Pre-Award	n/a	n/a		n/a	
Bidders list submitted Bidders list approved Anti-mafia screening information submitted					
Post Construction					
GENIODIFE invited to final inspection (30 days notice) Testing certificates received from construction contractor Testing certificates sent to the ISMC					
As-built drawings sent to the ISMC (Lcopy)				$\overline{}$	

Appendix F: SBA Submissions

When a project is located in an environmentally sensitive area, the Italian Defense General Staff must obtain approval from the Soprintendenza ai Beni Ambientali (SBA). This is similar to the EPA in the United States. The IDGS requires documentation to be prepared for submission to the SBA. Six copies of the documentation must be provided to the USMC. The following information is required:

- 1. Location plan of the Installation showing the work site.
- 2. Plan of the existing conditions indicating the distance to the sea and from the existing buildings.
- 3. Plan showing the future conditions.
- 4. Elevation of the above ground portion of the facility (if applicable).
- 5. Typical section of the facility to be built.
- 6. Material list for the facility without pricing.
- 7. A brief description of the operation of the facility. This needs to have slightly more detail than the description included in the project's illustrative statement.

Appendix G: US Side Mixed Commission Tracking Report

The following report is prepared and maintained by the USMC. It is forwarded to each activity on a quarterly basis. The report is broken into three sections and can be used to track the status of Mixed Commission approvals for all projects. Each section corresponds to one of the three phases of the Mixed Commission process. Report #1 details all pre-approval information, Report #2 gives all pre-award information and Report #3 gives post-construction status. The columns on the report correspond to the key steps in the process and track the various submittals required. By following the report, an activity should be able to determine what phase of approval a project is at as well as know if any key submittals are missing. Once all data are received and forwarded to the ISMC, the project is closed out and removed from the list. The report is only as useful as the information we receive. Please review it periodically and notify the USMC of updates. In particular, if a project which has been approved is no longer required, it is important that the USMC and ISMC be notified to close it out and take it off the list. Your comments and ideas for making the report more useful are welcomed.

Appendix H: Glossary

ANC Albo Nazionale dei Costruttori - The Italian Roll of Approved

Contractors

BIA Bilateral Infrastructure Agreement

COMIPA Comitato Misto Paritetico - an Italian government committee

composed of military and civilian representatives. This committee reviews all construction on military bases which may affect the

local civilian economy.

Galasso Law Italian Environmental Act

GENIODIFE The Italian Ministry of Defense Directorate of Engineering and

Public Works. Geniodife is responsible for ensuring that all construction on military bases in Italy, including U.S. bases, meets

the Italian building laws.

ICB International Competitive Bidding

IDGS Italian Defense General Staff

IFB Invitation for Bids

ISMC Italian Section, Mixed Commission

IS Illustrative Statement

Ispettorato Logistico The Italian military technical review board

Italian Design Professional An Italian Engineer, Architect or Technician

registered on the National Professional Rolls of Italy. (Note: in Italy registered technicians are licensed to perform minor engineering tasks.

MOD IT Ministero Della Difesa Italiano - the Italian Ministry of Defense

MBAC Ministero dei Beni Ambientali e Culturali - the Italian counterpart

to the U.S. Environmental Protection Agency charged with enforcement of Galasso Law regulations. May be overruled by MODI on military projects critical to the defense of Italy. **ODC** Office of Defense Cooperation. A department of the U.S. Embassy

government organization located in Rome.

SBA Sovrintendenza ai Beni Ambientali e Culturali - (also

Soprintendenza) a local representative of MBAC authorized to perform Galasso Law reviews. May be overruled by MBAC.

SOFA Status of Forces Agreement

USMC U.S. Section, Mixed Commission